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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,439	09/08/2003	Larry White	SONY-26600	4739
7590 08/10/2007				
Jonathan O. Owens HAVERSTOCK & OWENS LLP 162 North Wolfe Road Sunnyvale, CA 94086				
			EXAMINER PARK, JEONG S	
			ART UNIT 2154	PAPER NUMBER
			MAIL DATE 08/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/658,439	Applicant(s) WHITE ET AL.	
	Examiner Jeong S. Park	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 June 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :3/16/2007, 6/14/2007, 7/11/2007.

DETAILED ACTION

1. This action is in response to communications filed June 15, 2007.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 6-11, 13-17, 19-23, 25-27, 29-34 and 36-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Carter et al. (hereinafter Carter)(U.S. Pub. No. US 2002/0194309 A1).

Regarding claims 1, 2, 8, 9, and 15, Carter discloses as follows:

A media server (master digital multimedia device, reference character 112 in figure 1, see, e.g., page 3, paragraph [0027], lines 4-10) comprising;

A database to store content data (multimedia database, reference character 106 in figure 1, see, e.g., page 3, paragraph [0028]);

A synchronization application (control unit, reference character 314 in figure 3) to perform content data synchronization with an external device (digital multimedia device via the control unit synchronizes a user's files, connected to the digital multimedia device, automatically from a multimedia database, see, e.g., page 3, paragraph [0031], lines 1-8);

A content directory service to browse the content data stored in the database and to provide information regarding the content data stored in the database, wherein the content directory service is provided by the multimedia database (106 in figure 1) and control unit (314 in figure 3) in the digital multimedia device (see, e.g., page 3, paragraph [0028] and paragraph [0030], lines 16-21); and

An interface layer coupled to communicate with the synchronization application and the content directory service to provide update information to the content directory service or the synchronization application regarding new content data received by the database from the external device during content data synchronization, wherein the control unit (314 in figure 3) works as a combined system of the synchronization application and the interface layer in order to provide update information from the external multimedia database device to the digital multimedia device (see, e.g., page 3, paragraph [0031], lines 1-8).

Regarding claims 3, 10, 16, and 22, Carter discloses that the external device or the network device is a second media server (the digital multimedia player, 104 in figure 1, automatically performs the synchronization and download function between master and subordinate digital multimedia devices which means the digital multimedia player works exactly same as the master digital multimedia player, see, e.g., page 4, paragraph [0032], lines 1-5).

Regarding claims 4, 11, 17, and 23, Carter discloses that the external device or the network device includes an Internet service (network system connects all external devices is the Internet representing a worldwide collection of networks and gateways

Art Unit: 2154

that use the TCP/IP suite of protocols to communicate with one another, see, e.g., page 3, paragraph [0027], lines 16-19).

Regarding claims 6, 7, 13, 14, 19, 20, 25, 26, 29, 30, 36, and 37, Carter discloses that the content data includes media files such as audio, video, graphic, and text data (see, e.g., page 4, paragraph [0033], lines 14-18).

Regarding claim 21, Carter discloses as follows:

A first media server (master digital multimedia device, reference character 112 in figure 1, see, e.g., page 3, paragraph [0027], lines 4-10) coupled to the network device (same as the external device as explained above) comprising;

A database to store content data (multimedia database, reference character 106 in figure 1, see, e.g., page 3, paragraph [0028]);

A synchronization application (control unit, reference character 314 in figure 3) to perform content data synchronization with an external device (digital multimedia device via the control unit synchronizes a user's files, connected to the digital multimedia device, automatically from a multimedia database, see, e.g., page 3, paragraph [0031], lines 1-8);

A content directory service to browse the content data stored in the database and to provide information regarding the content data stored in the database, wherein the content directory service is provided by the multimedia database (106 in figure 1) and control unit (314 in figure 3) in the digital multimedia device (see, e.g., page 3, paragraph [0028] and paragraph [0030], lines 16-21); and

An interface layer coupled to communicate with the synchronization application and the content directory service to provide update information to the content directory service or the synchronization application regarding new content data received by the database from the external device during content data synchronization, wherein the control unit (314 in figure 3) works as a combined system of the synchronization application and the interface layer in order to provide update information from the external multimedia database device to the digital multimedia device (see, e.g., page 3, paragraph [0031], lines 1-8).

Regarding claims 27 and 31, Carter discloses as follows:

A method of synchronizing data between two network devices (see, e.g., paragraph [0016], lines 1-3), the method comprising:

Sending first update information to a content directory service (visual display means) from an interface layer (control unit) regarding a first new content data received by a first media device (data storage memory unit of the digital multimedia device) from a second media device (music multimedia database) during content data synchronization performed by a synchronization application (see, e.g., page 3, paragraph [0030] and paragraph [0031] and figure 3);

Sending second update information to the synchronization application (processor, 302 in figure 3) from the interface layer (control unit) regarding a second new content added to the first media device (data storage memory unit, 312 in figure 3, of the digital multimedia device), wherein the second new content data is synchronized with the second media device (music multimedia database) during a next content data

synchronization (see, e.g., page 3, paragraph [0030] and paragraph [0031] and figure 3); and

Sending the first update information to the content directory service and sending the second update information to the synchronization application are performed automatically (see, e.g., page 4, paragraph [0032], lines 1-5).

Regarding claims 32-34 and 38, Carter discloses as follows:

A method or an apparatus of synchronizing data between two network devices (see, e.g., page 2, paragraph [0016], lines 1-3), the method comprising:

Performing data synchronization between a first media server and a second media server (see, e.g., page 3, paragraph [0031], lines 2-8);

Receiving content data related to the data synchronization on the first media server (data storage memory unit, 312 in figure 3, of the digital multimedia device, see, e.g., page 3, paragraph [0031], lines 12-18);

Obtaining update information related to the received content data from a synchronization application on the first media server (see, e.g., page 3, paragraph [0031], lines 21-24);

Providing the update information to a content directory service (visual display means) of the first media server (see, e.g., page 3, paragraph [0030], lines 16-21); and

Updating the content directory service according to the update information (see, e.g., page 3, paragraph [0031], lines 21-24 and paragraph [0030], lines 16-21).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5, 12, 18, 24, 28, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carter et al. (hereinafter Carter)(U.S. Pub. No. US 2002/0194309 A1) in view of Gu et al. (hereinafter Gu)(U.S. Patent No. 6,892,230 B1).

Regarding claims 5, 12, 18, 24, 28, and 35, Carter discloses all the claim limitations of claims 1, 8, 15, 21, 27, and 32 as explained above except for disclosure of the media server is a Universal Plug and Play enabled device and the content directory service is a Universal Plug and Play content directory service.

The general concept of enabling a Universal Plug and Play featured device and service is well known within the art as illustrated by Gu which discloses a Universal Plug and Play (see, e.g., col. 5, lines 20-29).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Carter to include using a Universal Plug and Play enabled device and service as taught by Gu in order to avoid user installation experience, persistent relationship configurations and software driver download whenever connecting multiple network devices together.

Response to Arguments

6. Applicant's arguments filed 6/15/2007, with respect to claims 1-38, have been fully considered but they are not persuasive.

A. Summary of Applicant's Arguments

In the remarks, the applicant argues as followings:

1) Within the Office Action, Claims 1-38 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0194309 to Carter ("hereinafter Carter"). Applicants respectfully disagree. In particular, within the Office Action, Claims 5, 12, 18, 24 and 35 have also been rejected under 35 U.S.C. § 103 because "Carter discloses all of the claim limitations of 1, 8, 15, 21, 27, and 32 as explained above except for disclosure of the media server is a Universal Plug and Play enabled device and the content directory service is a Universal Plug and Play content directory service." [Office Action, Page 10] Since 35 U.S.C. § 102 requires all of the claim limitations to be taught, and it is recognized within the Office Action, that at least this claim limitation is not taught, then Claims 5, 12, 18, 24 and 35 cannot be rejected under 35 U.S.C. § 102;

2) The independent Claims 1, 8, 15 and 21 are directed to a media server. Carter does not teach a content directory service to browse the content data stored in the database and to provide information regarding the content data stored in the database. Carter also does not teach an interface layer coupled to communicate with the synchronization application and the content directory service to provide update information to the content directory service regarding new content data received by the

database from the external device during the content data synchronization. Claims 2-7, 9-14, 22-26 are dependent on the independent Claims 1, 8, 15 and 21 respectively. As discussed above, the independent Claims 1, 8, 15 and 21 are allowable over Carter. Accordingly, Claims 2-7, 9-14, 22-26 are all also allowable as being dependent upon an allowable base claim;

3) The independent Claim 27 is directed to a method of synchronizing data between two network devices. Carter does not teach sending first update information to a content directory service from an interface layer regarding a first new content data received by a first media device from a second media device during content data synchronization performed by a synchronization application. Carter also does not teach sending second update information to the synchronization application from the interface layer regarding a second new content added to the first media device, wherein the second new content data is synchronized with the second media device during a next content data synchronization. For at least these reasons, the independent Claim 27 is allowable over the teachings of Carter. Claims 28-31 are dependent on the independent Claim 27. As discussed above, the independent Claim 27 is allowable over Carter. Accordingly, Claims 28-31 are all also allowable as being dependent upon an allowable base claim;

4) The independent Claim 32 is directed to a method of synchronizing data between two network devices. Carter does not teach providing the update information to a content directory service of the first media server. Carter also does not teach updating the content directory service according to the update information. For at least these

reasons, the independent Claim 32 is allowable over the teachings of Carter.

Claims 33-37 are dependent on the independent Claim 32. As discussed above, the independent Claim 32 is allowable over Carter. Accordingly, Claims 33-37 are all also allowable as being dependent upon an allowable base claim;

5) The independent Claim 38 is directed to an apparatus for synchronizing data between two network devices. The apparatus of Claim 38 comprises means for performing data synchronization between a first media server and a second media server, means for receiving content data related to the data synchronization on the first media server, means for obtaining update information related to the received content data from a synchronization application on the first media server, means for providing the update information to a content directory service of the first media server and means for updating the content directory service according to the update information. For at least these reasons, the independent Claim 38 is allowable over the teachings of Carter; and

6) Within the Office Action, Claims 5, 12, 18, 24, 28 and 35 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Carter in view of U.S. Patent No. 6,892,230 to Gu et al. (hereinafter Gu). Applicants respectfully disagree. Claim 5 is dependent on the independent Claim 1. Claim 12 is dependent on the independent Claim 8. Claim 18 is dependent on the independent Claim 15. Claim 24 is dependent on the independent Claim 21. Claim 28 is dependent on the independent Claim 27. Claim 35 is dependent on the independent Claim 32. As discussed above, the independent Claims 1, 8, 15, 21, 27 and 35 are allowable over the teachings of Carter. Accordingly,

Claims 5, 12, 18, 24, 28 and 35 are all also allowable as being dependent on an allowable base claim.

B. Response to Arguments:

In response to argument 1), Claims 5, 12, 18, 24, 28 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carter et al. (hereinafter Carter)(U.S. Pub. No. US 2002/0194309 A1) in view of Gu et al. (hereinafter Gu)(U.S. Patent No. 6,892,230 B1). Even though the claims 5, 12, 18, 24, 28 and 35 were mistakenly listed on 35 U.S.C. 102(e) statement, Examiner did not reject claims 5, 12, 18, 24, 28 and 35 in the body of 35 U.S.C. 102(e) rejection;

In response to argument 2), Carter teaches the content directory service as follows:

The content database is capable of communication with other network devices to deliver the data stored in the database to a digital multimedia device (104 in figure 1) (see, e.g., page 3, paragraph [0028], lines 9-13); and

The digital multimedia device (104 in figure 1) allows the user via the control unit (314 in figure 3) to request and download new recorded data or program the digital multimedia device to synchronize and update the user's files automatically from the multimedia database (106 in figure 1) and the user selects the desired multimedia works to be synchronized (the multimedia database inherently includes the content directory service to provide for the user to select the desired multimedia works, see, e.g., page 3, paragraph [0031], lines 11-15) and downloaded for storage on the digital multimedia device from the music multimedia database (the selected data is downloaded from the

music multimedia database into the data storage memory unit of the digital multimedia device, see, e.g., page 3, paragraph [0031], lines 15-17).

Therefore, Carter teaches the content directory service to browse the content data stored in the database and to provide information regarding the content data stored in the database.

Carter teaches the interface layer as follows:

The user selects the desired multimedia works to be synchronized and downloaded for storage on the digital multimedia device from the music multimedia database (the multimedia database inherently includes the content directory service to provide for the user to select the desired multimedia works, see, e.g., page 3, paragraph [0031], lines 11-15);

A synchronization application (control unit, reference character 314 in figure 3) to perform content data synchronization with an external device (digital multimedia device via the control unit synchronizes a user's files, connected to the digital multimedia device, automatically from a multimedia database, see, e.g., page 3, paragraph [0031], lines 1-8); and

Communications between the content directory service and the synchronization application (see, e.g., page 3, paragraph [0031], lines 11-17 and steps 402 and 404 in figure 4).

The interface layer is a functional layer to provide interface between the content directory service and the synchronization application. The digital multimedia device (300 in figure 3 and 104 in figure 1) has all necessary components such as processor (302 in

figure 3), communication unit (306 in figure 3), audio/video out (308 in figure 3), control unit (314 in figure 3) and memory unit (312 in figure 3) to provide the interface layer functions (see, e.g., page 3, paragraph [0030]).

In response to argument 3), Carter teaches as follows:

Communications between the content directory service and the synchronization application (see, e.g., page 3, paragraph [0031], lines 11-17 and steps 402 and 404 in figure 4).

Sending first update information to a content directory service and sending second update information to the synchronization application is interpreted as an communications between the content directory service and the synchronization application in terms of updating process as explained above.

In response to argument 4), Carter teaches as follows:

Providing the update information to a content directory service of the first media server (the digital multimedia device) and updating the content directory service according to the update information (the user may listen to different audio/video selections after the update process between the digital multimedia device and the music multimedia database, see, e.g., page 3, paragraph [0031], lines 17-24).

Therefore the method of providing the update information and updating the content directory service is inherently taught in Carter.

In response to argument 5), applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references

cited or the objections made. Further, they do not show how the amendments avoid such references or objections. Applicant failed to state the deficiencies of the prior arts and did not point out the additional and important limitations of claims, which make patentable over the prior arts; and

In response to argument 6), Since all independent claims 1, 8, 15, 21,27 and 35 are rejected under 35 U.S.C. 102(e) as explained above, the dependent claims 5, 12, 18, 24, 28 and 35 are also rejected under 35 U.S.C. 103(a) as being unpatentable over Carter et al. (hereinafter Carter)(U.S. Pub. No. US 2002/0194309 A1) in view of Gu et al. (hereinafter Gu)(U.S. Patent No. 6,892,230 B1).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeong S. Park whose telephone number is 571-270-

Art Unit: 2154

1597. The examiner can normally be reached on Monday through Thursday 7:30 - 5:00 EST.


NATHAN FLYNN
SUPERVISORY PATENT EXAMINER

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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July 31, 2007